



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1995

Ms. Christine T. Rodriguez
Staff Attorney
Legal Services, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR95-1112

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25833.

The Texas Department of Insurance ("the department") received a request for information concerning complaints and dispositions pertaining to two insurance agents, Robert Watson Willis and Andrew Charles Korontjis. You say that some of the requested information will be made available to the requestor, but seek to withhold portions of the requested information based on section 552.111 of the Government Code.

Section 552.111 of the Government Code excepts from required public disclosure:

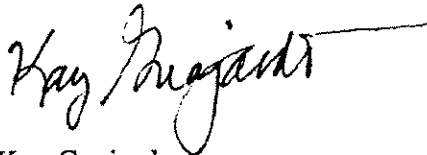
An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). This exception does not except from disclosure purely factual information that is severable from the opinion portions of the communication. *See id.*

Portions of the documents you submitted are factual and thus not protected from required public disclosure under section 552.111 of the Government Code. We have marked the information that the department may withhold from required public disclosure based on the section 552.111 exception.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/TCC/rho

Ref.: ID# 25833

Enclosures: Marked documents

cc: Ms. Karri Godshall
Applicant Insight, Ltd.
P.O.Box 1685
Tarpon Springs, Florida 34688-1685
(w/o enclosures)

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office. We have also marked a portion of the requested information that is not responsive to this request and which the department need not release.